

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Theresa A. Deisher, Darrell C. Conklin, Fenella Raymond, Thomas R.
Bukowski, Susan D. Holderman, Birgit Hansen, Paul O. Sheppard
Serial No. : 10/037,922
Filed : October 19, 2001
For : FGF HOMOLOG POLYPEPTIDES (As Amended)
Confirmation No. : 7962

Examiner : Saoud, C.
Art Unit : 1647
Docket No. : 96-20D2
Date : December 14, 2006

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

ZymoGenetics, Inc. ("ZGEN"), a corporation of the State of Washington, having a place of business at 1201 Eastlake Avenue East, Seattle, WA 98102, is a owner of 100 percent interest in the instant application, as evidenced by an assignment recorded at Reel 009952, Frame 0716 on May 4, 1999.

ZGEN hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of prior patent U.S. Patent No. 6,352,971, as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer.

ZGEN hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

Terminal Disclaimer

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Applicants: Deisher et al.

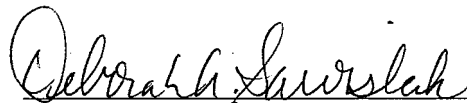
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In making the above disclaimer, ZGEN does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as the term of said prior patent is presently shortened by any terminal disclaimer, in the event that said prior patent later: (1) expires for failure to pay a maintenance fee, (2) is held unenforceable, (3) is found invalid by a court of competent jurisdiction, (4) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, (5) has all claims canceled by a reexamination certificate, (6) is reissued, or (7) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.



Signature

December 14, 2006

Date

Deborah A. Sawislak

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FEE STATUS

Please charge the required fee under 37 CFR § 1.20(d), to Deposit Account Number 26-0290. Please charge any additional fees or credit any overpayment to Deposit Account Number 26-0290.